

ZB# 01-15

James Rolfs

49-6-7

Prelim.

~~Apr. 23,~~ Apr. 24, 2001.

Applicant has App.

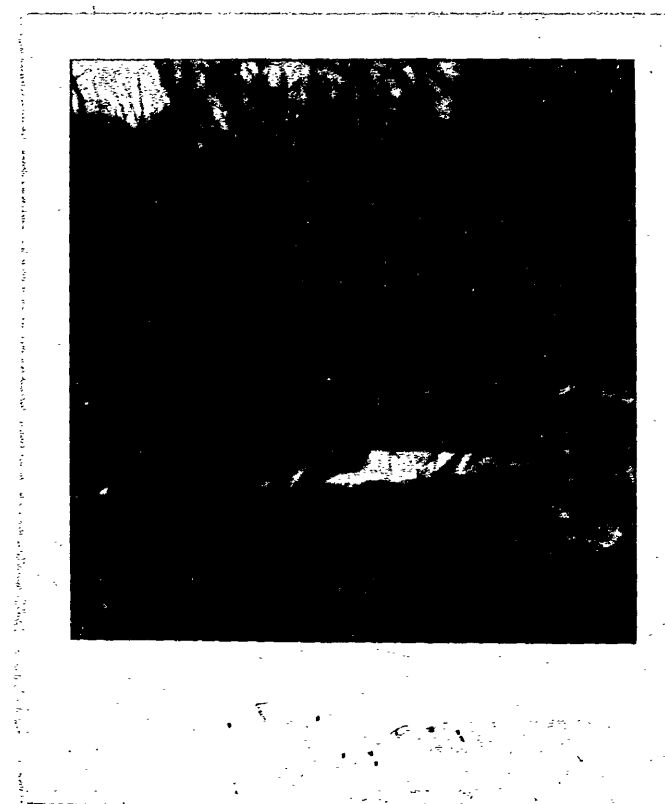
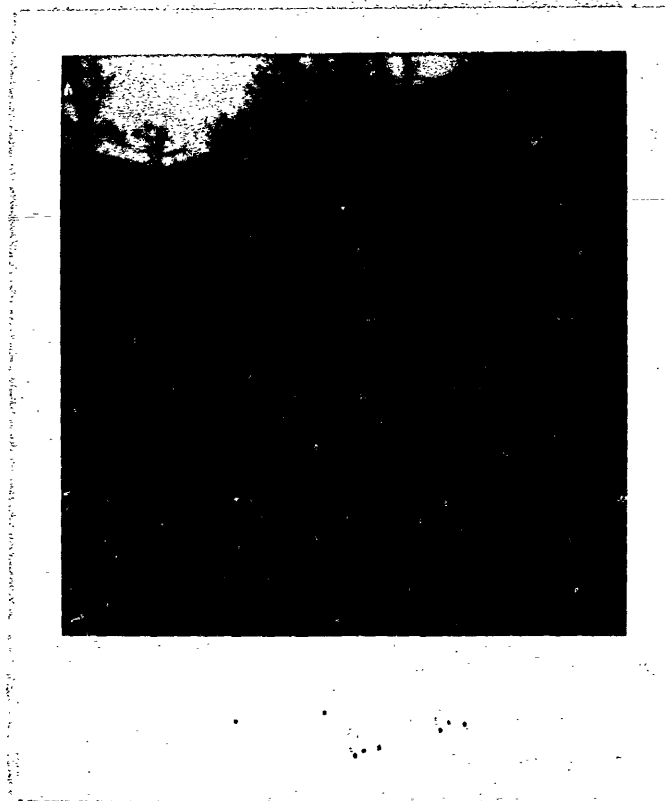
Public Hearing:

May 14, 2001.

Granted

Refund: \$ 249.00

#01-15- Rolfs, James + Linda
Area 49-6-7.

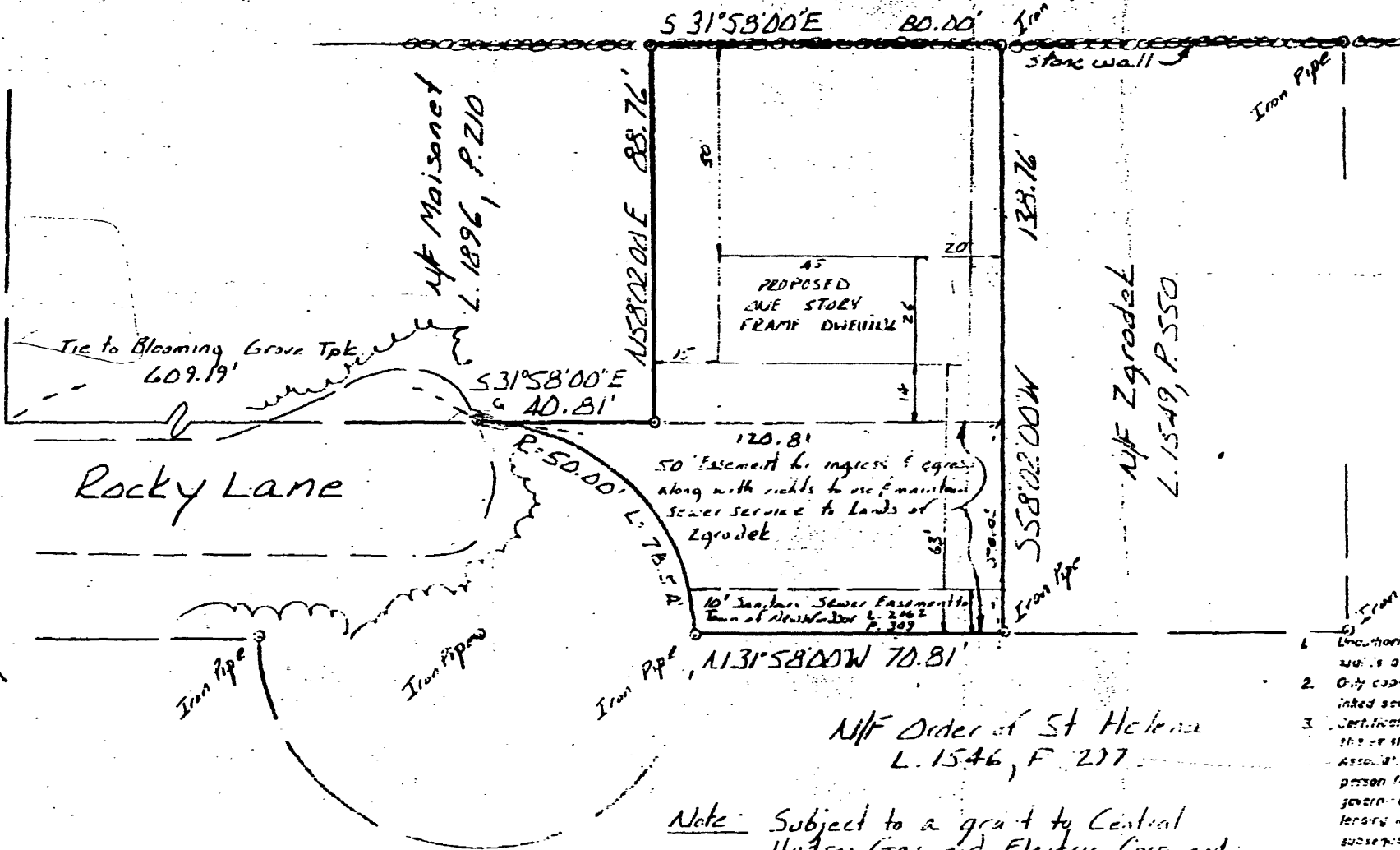


N/F McQuade Foundation
L. 1441, P. 534

Tax Map Data:

Section: 49
Block: 6
Lot: 7

Blooming Grove Tpk. & N.Y.S. Rte. 94

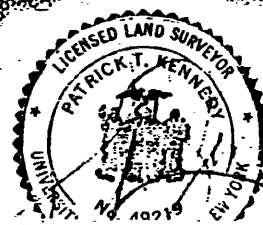


Deed Reference:
Liber 1549, Page 554

Lot Area: 11,173 S.F.

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent users.
4. Underground improvements or encroachments, if any, are not shown hereon.

Note: Subject to a grant by Central Hudson Gas and Electric Corp. and New York Telephone Co. recorded in Liber 1440, Page 534



Patrick T. Kennedy, L.S. 219 Quassak Ave. • New Windsor • N.Y. 12553		
SCALE 1"=30'	APPROVED BY	DRAWN BY
DATE May 2, 1988		REVISED May 5, 1988
Survey of Lands for A.C.F.M. Realty		

To A.C.F.M. Realty and
Commonwealth Land Title Insurance
Company certified to be a correct
and accurate survey.

Jim + Linda

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rolfs, James

FILE# 01-15.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid #727
04/20/01.*

* * *
ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

*Paid #728
4/20/01.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/23/01-5 \$ 22.50

2ND PRELIMINARY- PER PAGE 5/14/01-3 \$ 13.50.

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 16.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/23/01 \$

2ND PRELIM. 5/14/01 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 35.00.

MISC. CHARGES:

..... \$
TOTAL \$ 51.00

LESS ESCROW DEPOSIT \$ 300.00.
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 249.00.

Date 0/23/01

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Linda Rolfs DR.

11. Rocky Lane, N.W.

[illegible]

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#376-2001

04/20/2001

ZBA # 01-15

Rolfs, Linda
11 Rocky Ln
New Windsor, NY 12553

Received \$ 0.00 for Zoning Board Fees, on 04/20/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

LINDA J. ROLFS 11-99
OR JAMES S. ROLFS
11 ROCKY LN.
NEW WINDSOR, NY 12553

150/212

727

Date

4/20/01

Pay to the
order of

Town of New Windsor

\$50.00

Fifty Dollars & 00/100

Dollars



Security Features
Included
Details on Back

HUDSON UNITED BANK

ROUTES 300 & 94
NEW WINDSOR, NY 12553

For

565-6170

#297 01-15

Linda Rolfs

⑆021201503⑆

3980451242⑈ 0727

LINDA J. ROLFS 11-99
OR JAMES S. ROLFS
11 ROCKY LN.
NEW WINDSOR, NY 12553

55-150/212

728

Date

4/20/01

Pay to the
order of

Town of New Windsor

\$ 300.00

Three hundred Dollars & 00/100

Dollars

HUDSON UNITED BANK
ROUTES 300 & 94
NEW WINDSOR, NY 12553

For

565-6170 28A
01-15

Linda Rolfs

⑆021201503⑆

3980451242⑈ 0728

In the Matter of the Application of

JAMES ROLFS

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#01-15.

WHEREAS, JAMES ROLFS, residing at 11 Rocky Lane, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 15 ft. rear yard variance for construction of a deck at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of May, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The Applicant seeks a variance to construct a 16 ft. x 16 ft. deck on the rear of the residence.

(c) The proposed deck does not create any ponding or collection of water or interfere with water drainage and is not going to be built on the top of any septic or well, sewer or water easement.

- (d) The deck as proposed is similar to other decks in the neighborhood.
- (e) There is a door leading from the house onto the deck. If the deck were not there, a person exiting the house would fall to the ground, probably causing serious injury.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

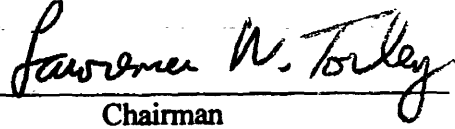
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 15 ft. rear yard variance for construction of a deck at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 17, 2001.


Chairman

Date 4/27/01, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
4/3/01	Zoning Board Mtg		75	00
	Misc. 2			
	Mans, C.P. - 6			
	Hired - 2			
	Waldo - 2			
	Bolts - 5	22.50		
	Langer - 2		85	50
	<u>19</u>		<u>160</u>	<u>50</u>

ROLFS, JAMES

MR. TORLEY: Request for 6 ft. rear yard variance to construct deck at 11 Rocky Lane in an R-4 zone.

Mr. James Rolfs appeared before the board for this proposal.

MR. ROLFS: I have been there ten years, I had a 10 x 12 deck, one of the first owners and last summer, we put a three season room on, the only deck we have on the house, and we just wanted to put a 16 x 16 deck coming down the stairs, I mean 16 x 16 decking go out, sun porch coming down 10 steps onto a deck.

MR. KANE: So that would put him 34 feet, Mike, from the rear yard?

MR. ROLFS: That's what they're telling me, yeah.

MR. BABCOCK: I'm leafing through there.

MR. KANE: Needs a 40 foot setback.

MR. BABCOCK: Yeah, 34 feet based on the information that's there, his house now is 50 minus the 16 would be 34.

MR. KANE: That's the only place in your yard that you can build a deck that's accessible from your home?

MR. ROLFS: Right, I have a pool in the back yard, I have, we already have the permit, we're having a little pool, a little deck around the pool also and we have the permit for that, but I didn't even know I needed a variance until my wife, I guess everybody else's wife does all the running around.

MR. TORLEY: When you come in, you've heard us talking to the other applicants, when you come, we'd appreciate some photographs of the area.

MS. CORSETTI: We have them right here.

MR. TORLEY: One other reminder, the other board

members will ask you about the drainage and neighbors so check with them, be prepared to talk about that.

MR. KANE: Can you just show us on the picture where you want to put the deck?

MR. ROLFS: Here's the sun porch, it's about the third step you're going to come off, go right onto the floor 16 x 16 then come out a little bit, there's going to be stairs going that way like an 8 x 8 deck going around the pool that was already approved, I already have a permit for that.

MR. REIS: Mike, will the fact that the pool is beyond the deck?

MR. BABCOCK: The pool is considered an accessory structure because it's not attached.

MR. REIS: They're wrapping it around, though.

MR. BABCOCK: The pool deck is separated, basically, the way he's drawn it is you would go down off this deck onto the ground and then back up onto the pool deck, correct?

MR. ROLFS: Well, we were going to have a set of steps going, that lands you on the little deck going around the pool.

MR. BABCOCK: That's a problem.

MR. KANE: You can't connect them.

MR. TORLEY: You can but you have to ask for a variance for a different dimension.

MR. KANE: Then that makes it from the end of the pool out.

MR. BABCOCK: If you have to go down on the lawn and back up, it's considered not attached. Once you have a deck, a set of stairs that touches the other deck now it's attached. I don't know whether you have a copy of this survey, you should have, that deck, that

particular deck is 25 feet from the property line so he would be asking for a variance for relief of that.

MR. KANE: Is that what you want?

MR. ROLFS: That was the plan.

MR. KANE: It's up to you.

MR. TORLEY: You're asking for that?

MR. ROLFS: I wasn't aware that that deck--

MR. TORLEY: The building inspector said if they're connected, it's all considered one deck.

MR. BABCOCK: Where are the steps going to go from here to here?

MR. ROLFS: This is 16 x 16 deck, here's the house, right, okay, right about here, you've got to come down a set of steps and that's where the deck for the pool was going to be.

MR. BABCOCK: That's not really what's shown here and I understand cause it's a little complicated there so that's why we didn't pick that up.

MR. TORLEY: The only thing you're asking for a 25 foot variance but make sure you have the right measurements, if you ask for 25 foot variance and turns out you needed 26 foot variance, some surveyor can come in and you have to start all over from the beginning. So make sure of your measurements because we rely on you for them.

MR. ROLFS: Well, who's submitted that, the guy building the deck submit that, do you know?

MR. BABCOCK: Apparently, I'm not sure, apparently, he did because the deck plans are here and everything.

MS. CORSETTI: We're only showing 6 foot rear yard.

MR. TORLEY: If you wish to have them connected, you're

asking for 25 foot variance.

MS. CORSETTI: On the application, well, it's only 6 foot.

MR. ROLFS: For the variance, okay.

MR. REIS: Do you intend to connect the deck?

MR. ROLFS: I want the deck together.

MR. KANE: We're not saying you can't.

MS. CORSETTI: That would make more sense.

MR. BABCOCK: He needs a 15 foot variance.

MR. KANE: Mike, we're looking at possibly 15 foot variance what we'd request you to do, if that's your intent, we'll set you up for the public hearing as soon as possible, it goes out in the mail as a legal statement.

MS. CORSETTI: The mail does not mention numbers, just says insufficient rear yard.

MR. KANE: Just get back to Mike, make sure it's not 15 foot two inches.

MR. BABCOCK: I have a survey that shows he's exactly 25 feet.

MR. KANE: So it's 15 feet so you'd like to change the request to 15 feet.

MS. CORSETTI: So we can change the application itself.

MR. BABCOCK: I'm doing that.

MR. ROLFS: See cause I talked to this guy like February, the end of February, I had him come and told him everything I wanted, he said no problem, he'd submit the drawing. I was just wondering why I don't know if it took him this long.

April 23, 2001

16

MR. BABCOCK: Make sure that you understand from your developer only on the other end of the thing, that's not the way he's got it drawn here the way that you want it built is not the way he intends on building it.

MR. ROLFS: Okay.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion we set up Mr. Rolfs for his requested variance for public hearing.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12533

TO Frances Roth
108 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
5/14/01	Zoning Board Mtg	75 00	
	Misc -		
	Zupitza - 3		
	Byron - 1		
	Mtcurry - 3		
	Bolfs - 3 13.50		
	Waldo - 2		
	Merced - 2		
	Bila / Big V Centre - 8	157 50	
	Bila / K Mart - 5		
	Bila / K Mart - 3	232 50	
	Gargiulo / Lyons - 3 // 35 Pgs.		

ROLFS, JAMES

MR. TORLEY: Request for 6 ft. rear yard variance to construct deck at 11 Rocky Lane in an R-4 zone.

Mr. Jams Rolfs appeared before the board for this proposal.

MR. TORLEY: Is there anyone that wishes to speak to this matter? Let the record show there's no one.

MS. CORSETTI: For the record, on April 24, we sent out 137 notices to adjacent property owners.

MR. ROLFS: How you doing? Before I even say anything, I remember we had that little problem, started out a 6 foot variance, then I don't, didn't know and the steps, it's going to be 15 foot, I spoke with my builder.

MR. TORLEY: So the deck around the pool will be connected directly to the house?

MR. ROLFS: Just by a set of steps sitting on top, you said I can count that as all one deck, I wasn't aware of that.

MS. CORSETTI: Is that changing any of the paperwork?

MR. BABCOCK: We changed it last time.

MR. KANE: So it's a 15 foot?

MR. BABCOCK: That's correct.

MR. MC DONALD: Five and fifteen.

MR. BABCOCK: That's correct.

MR. TORLEY: So how high is the deck at the house?

MR. ROLFS: From the ground, it's 16 by 16, going to be maybe a foot and a half off the ground by itself on a slope from my the back of my house, probably go out eight foot, slopes down to where the pool is, then it's flat.

MR. TORLEY: So this makes the egress from your house to the pool and back a safer journey for your children?

MR. ROLFS: Right, there's going to be child proof locks on both gates going from the pool deck to the ground and then from the 16 x 16 to the 8 x 12.

MR. KANE: Having both decks with the house, would that go over area coverage, Mike?

MR. BABCOCK: No.

MR. KANE: Won't be creating any water hazards or drainage problems?

MR. ROLFS: No.

MR. KANE: Does the size of the deck reflect what's going on in your neighborhood?

MR. ROLFS: My neighbor has a 12 x 16, actually, you can't really see it, I'm surrounded by woods pretty much.

MR. TORLEY: It's not being built over any sewer easements or septic system?

MR. ROLFS: No, I'm on Town water and sewer.

MR. KRIEGER: Not over the top of any well or water easement?

MR. ROLFS: No.

MR. KANE: This is the smallest variance you need to get it done?

MR. ROLFS: Right.

MR. MC DONALD: Accept a motion?

MR. ROLFS: Can I just say one more thing now? At first, we thought it was going to be two decks, so they're saying I needed two building permits. I got

approved for one, the other one got knocked down, so now it's one deck, I just need one building permit?

MR. BABCOCK: Yes, we'll have to figure that out, I'll have to talk to Frank.

MR. ROLFS: I already paid for one.

MR. MC DONALD: Make a motion we grant Mr. Rolfs' request for the 15 foot rear yard variance.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

MR. KANE: Noting that it's a 15 foot variance.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

James & Linda Rolf

01-15

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of April, 2001, I compared the 13
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 4/17/01

**APPLICANT: James Rolfs
11 Rocky Lane
New Windsor, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : 16x16 Deck Permit

LOCATED AT: 11 Rocky Lane

ZONE: R-4 Sec/ Blk/ Lot: 49-6-7

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed 16x16 rear deck will not meet minimum 40ft rear yard set-back.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

REVISED 4-23-01
25 FT 15 FT
MB

34ft

6ft

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it is not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected and corrected.

RECEIVED

APR 09 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 200-271

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises R. O'Leary

Address 11 ROCKY LAKE NEW WINDSOR Phone 565-6170

Mailing Address SAME

Name of Architect _____

Address _____ Phone _____

Name of Contractor THE CEDAR SHOP

Address 23 DOROTHY DR MONROE N.Y. 10950 Phone 782-6533

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the NE side of Rocky Lane
(N,S,E or W)
and 609 feet from the intersection of ~~Rocky~~ Blooming Grove Trl.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 49 Block 6 Lot 7

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front SEE ATTACHED Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$5500 Fee _____

en# 3453
part of
4/10/11

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

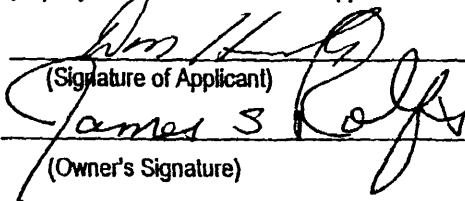
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used as installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)
James S Kelly
(Owner's Signature)

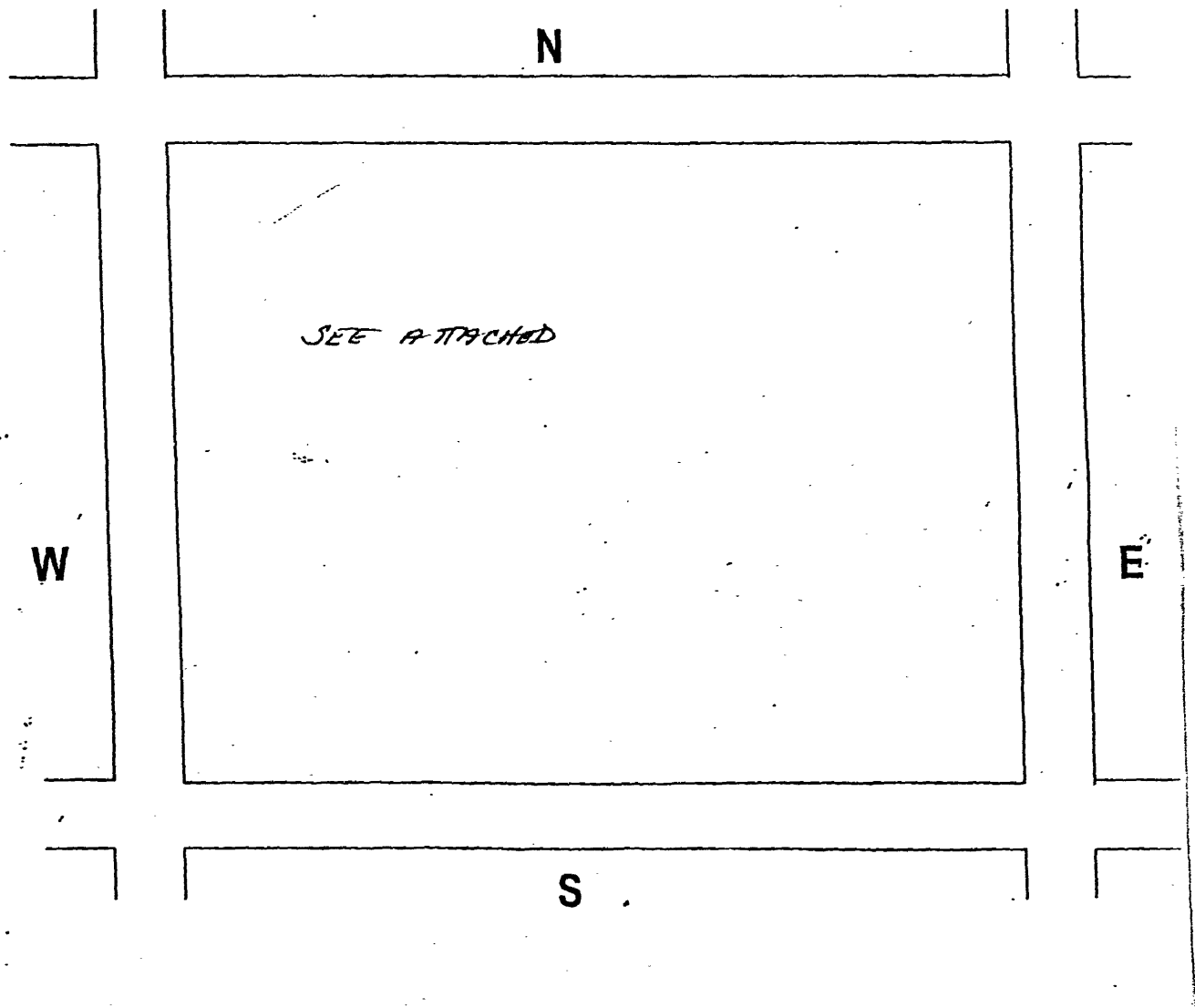
23 DOROTHY DR MARIETTA N.Y.
(Address of Applicant)

(Owner's Address)

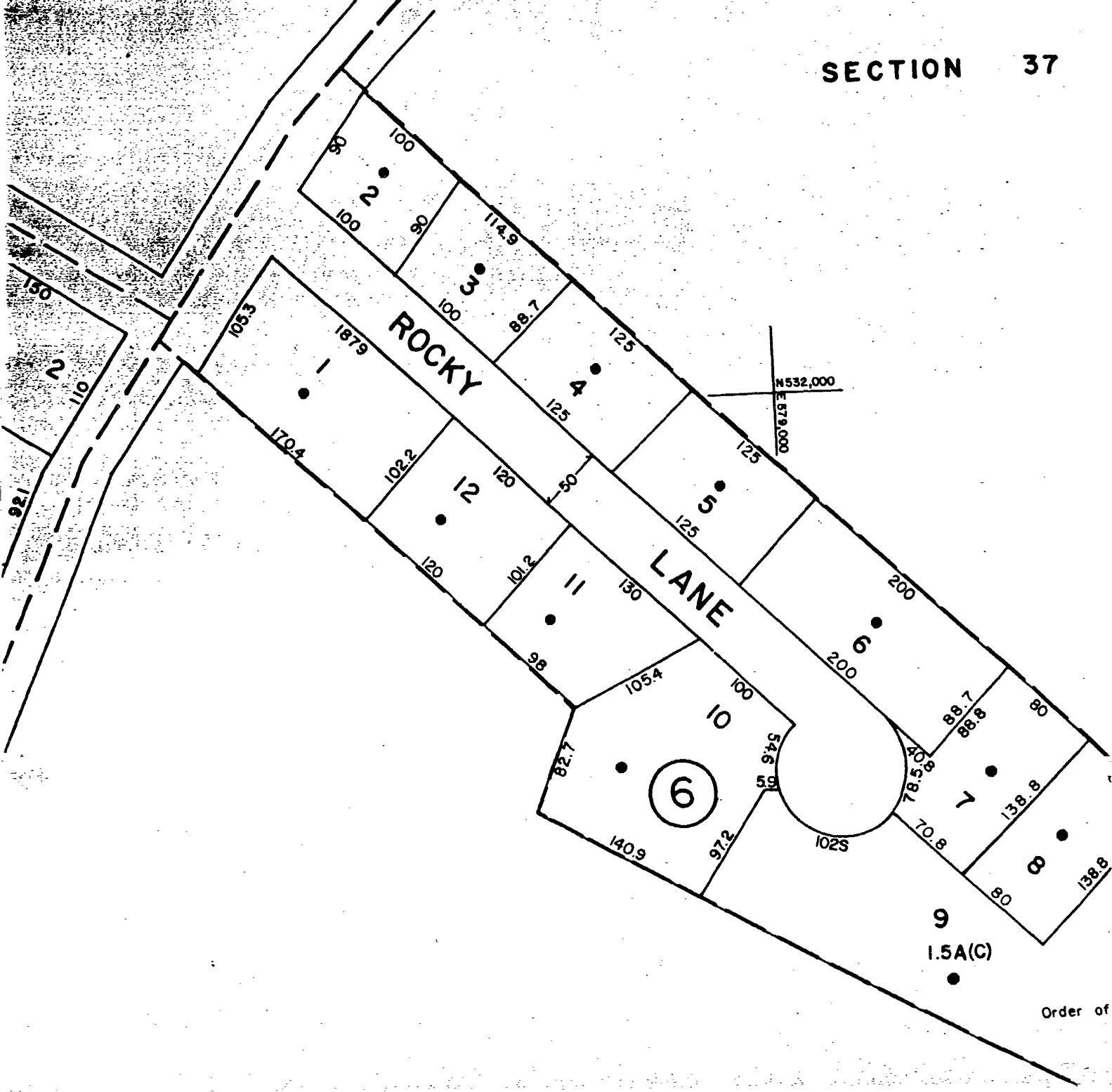
PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



37



SECTION 37

57

N 531,000
E 579,000



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

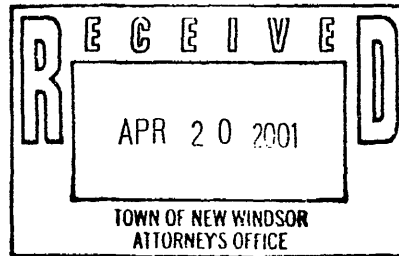
Assessors Office

13

April 19, 2001

James & Linda Rolfs
11 Rocky Lane
New Windsor, NY 12553

Re: 49-6-7



Dear Mr. & Mrs. Rolfs,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw

CC: Pat Corsetti, ZBA

37-1-48; 37-1-63; 49-6-9
Church of St. Helena
P.O. Box 426
Vails Gate, NY 12584

80-8-17
Laura Kay Harrison
106 Shaker Court No.
New Windsor, NY 12553

37-1-49
The Mcquade Foundation
P.O. Box 4064
New Windsor, NY 12553

80-8-18
Mary & Alexander Couzis
108 Shaker Court No.
New Windsor, NY 12553

49-6-1
Charles T. Greeney
2 Rocky Lane
New Windsor, NY 12553

80-8-19
Angela & John Turner
107 Shaker Court No.
New Windsor, NY 12553

49-6-3
Marjorie & Thomas Ellis
3 Rocky Lane
New Windsor, NY 12553

49-6-4
Anna & George Bak
5 Rocky Lane
New Windsor, NY 12553

49-6-5
Renee & Arthur Miller
2 Rocky Lane
New Windsor, NY 12553

49-6-6
Marilyn Maisonet
9 Rocky Lane
New Windsor, NY 12553

49-6-8; 49-6-11
Clara, Jeanne & Stanley Zgrodek
13 Rocky Lane
New Windsor, NY 12553

49-6-10
Anna & William Preston
8 Rocky Lane
New Windsor, NY 12553

49-6-12
Joseph Deering
4 Rocky Lane
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-15
Date: 04/20/01

- I. ✓ Applicant Information:
- (a) James & Linda Rolfs 11 Rocky Lane 565-6170
(Name, address and phone of Applicant) New Windsor, NY 12553 (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
(X) Area Variance () Interpretation

- III. ✓ Property Information:
- (a) R-4 11 Rocky Ln. New Windsor 49-6-7 80' x 135.8'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C-1
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1989
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. C.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	<u>X</u> _____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>34' 25'</u>	<u>8' 15'</u> (Revised 4/23/01.)
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

① WE ARE SURROUNDED BY WOODS AND IT WILL ONLY BE VISIBLE TOO
1 NEIGHBOR ② NO, WE NEED THE VARIANCE FOR THE DECK. ③ I DON'T
BELIEVE 6' WILL HAVE AN ADVERSE IMPACT ON ANYONE. ④ NO, WE ARE NOT
CHANGING THE GRADE OF THE LAND OR DRAINAGE. ⑤ YES, THE DECK
WILL IMPROVE THE QUALITY OF OUR FAMILY LIFE AND WILL NOT BE AN
EYESORE TO THE NEIGHBORS

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law,
 Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law,
 Section _____, Table of _____ Regs.,
 Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or
WE WILL PUT CHILD PROOF GATES AND PAD LOCKS ON THE GATES,
THE DECK WILL NOT BE AN EYESORE TO ANYONE

THIS INDENTURE, made the 17 day of January, nineteen hundred and NINETY
BETWEEN ACFM REALTY LTD., P.O. Box 4728,
New Windsor NY 12550

party of the first part, and JAMES S. ROLFS and LINDA J. ROLFS,
8 No. 3rd Street, Park Ridge NJ 07656

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

ONE AND NO?100 (\$1.00) ----- dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, Orange County, New York
Sect 49 Bl 6 Lot 7

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and being more particularly bounded and described as follows:

BEGINNING at a point in the northeasterly line of Rocky Lane, said point being $S31^{\circ} 58' 00'' E$, 609.19 feet from the northeast corner of the intersection formed by Rocky Lane and Blooming Grove Tpk. (N.Y.S.Route 94) thence the following two courses along lands now or formerly of Maisonet:

- (1) $S 31^{\circ} 58' 00'' E$, 40.81 feet, thence;
- (2) $N58^{\circ} 02' 00'' E$, 88.76 feet, thence;
- (3) $S 31^{\circ} 58' 00'' E$, 80.00 feet along a stone wall and along lands now or formerly of the McQuade Foundation to an iron pipe in said stone wall, thence;
- (4) $S 58^{\circ} 02' 00'' W$, 138.76 feet along lands now or formerly of Zgrodek to an iron pipe, thence;
- (5) $N 31^{\circ} 58' 00'' W$, 70.81 feet along lands now or formerly of the Order of St. Helena, to an iron pipe, thence;
- (6) On a curve to the left having a radius of 50.00 feet and an arc length of 78.54 feet along the cul-de-sac at the end of Rocky Lane to the point of beginning.

Containing 11, 178 square feet of land.

SUBJECT to rights of ingress and egress and rights to use and maintain sewers, granted to lands now or formerly of Zgrodek and the Town of New Windsor. Said easement being 50.00 feet wide crossing the southerly end of

the above described lot as an extension of Rocky Lane.

SUBJECT to the terms of a grant to Central Hudson Gas and Electric Corp. and to New York Telephone Company as spelled out in Liber 1440, Page 88.

TOGETHER with all right, title and interest of, in and to any streets and roads abutting the above described premises, to center line thereof.

BEING and intended to be that parcel designated as Parcel No.2 in a certain deed made by Joseph Cimorelli and Marie Cimorelli to the grantors dated January 29, 1960 and recorded in the Orange County Clerk's Office on February 1, 1960 in Liber 1538 of Deeds at Page 334 together with that parcel conveyed by the same Joseph Cimorelli and Marie Cimorelli to the grantors dated May 10, 1960 and recorded in the Orange County Clerk's Office on May 16, 1960 in Liber 1549 of Deeds at Page 554.

BEING the same premises conveyed by deed dated May 26, 1988 Arthur Miller and Renee Miller to ACFM Realty Ltd recorded in Orange County Clerks Office on May 27, 1988 in Liber 2946 of deeds at page 32.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

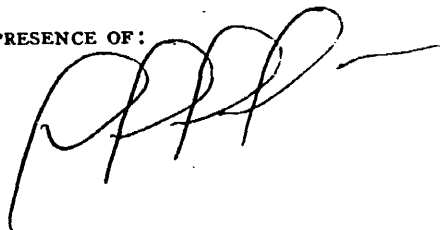
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.


The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



ACFM REALTY LTD.


By: Adelino Guerra, President
Richard Hillier, VP

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the day of December 1989, before me personally came

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

STATE OF NEW YORK, COUNTY OF

ss:

On the 17 day of JANUARY 1994, before me personally came ~~ADRIANO GUERRA~~ ~~RICARDO HILLEN~~ to me known, who, being by me duly sworn, did depose and say that he resides at No. ~~Main St, 203~~ ~~Cornwall NY~~ ~~GARMONT RD~~ ~~W NYACK NY~~; that he is the President of ACFM REALTY LTD.

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

ALFRED F. CAVALARI
Notary Public in the State of New York
Residing in and for Orange County
Commission Expires Oct. 30, 1999

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. SA82210

SECTION

49

BLOCK

6

LOT

7

COUNTY OR TOWN

Orange

TO

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

SECURITY TITLE AND GUARANTY COMPANY

CHARTERED 1928

ST

IN NEW YORK

David Gilbert, Esq
453 Rt 211 EAST

Middletown NY

Zip No.

10940

LIBER 3255 PAGE

36

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

5. publish immediately. Send bill to: Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 15.

Request of James & Linda Rolfs.

for a VARIANCE of the Zoning Local Law to Permit:

construction of a deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Regs. - Col. G.

for property situated as follows:

11 Rocky Lane, New Windsor, N.Y. 12553

known and designated as tax map Section 49, Blk. 6 Lot 7

PUBLIC HEARING will take place on the 14th day of May, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.